

## **REMARKS**

The Applicants note with appreciation the allowance of Claims 1, 5, 6, 10, 14-19, 23-28, 32-37, 50 and 53.

The Applicants note the rejection of Claims 20-22, 29-31, 38-49, 51-52 and 54-56 under 35 U.S.C. §112.

Claims 20-22, 29-31, 38-49, 51, and 56 have been cancelled without prejudice or disclaimer in order to expedite allowance of the application. Claim 54 has been amended to depend only on claim 52. Claim 55 has been amended to eliminate the alleged indefinite terminology, "sufficiently low," and to incorporate the subject matter of Claim 56.

The Applicants respectfully traverse the rejections of Claims 52, 54, and 55 under 35 U.S.C. § 112, first paragraph. The Office Action indicates that the rejections under 35 U.S.C. § 112, first paragraph were generally directed at claims drawn to the full scope of cold-shock inducible genes, rather than at claims that specifically recite *cspA*, *cspB*, and *csdA*. As the Office Action did not provide further discussion of Claim 52, it is believed that the rejection of Claim 52 relies on similar arguments.

Claim 52 recites, "The vector of Claim 50, further comprising a coding region for a heterologous protein inserted at said restriction enzyme site, wherein said coding region comprises a coding region of a heterologous gene and is regulated by said regulatory elements." Therefore, Claim 52 is drawn to the expression of a heterologous gene under the control of one of the cold shock inducible regulatory elements of the specific SEQ ID NOs recited in claim 50 (*i.e.* SEQ ID NOs 49, 50 or particularly recited portions of SEQ ID NO: 55). Because Claim 52 includes use of these specific cold shock inducible elements, and the specification provides full written description of the step of inserting a heterologous gene into a vector, one skilled in the art in possession of the Applicant's specification would understand that the inventors had full possession of the claimed subject matter at the time the application was filed.

Additionally, the Applicants believe that the rejection of Claims 54 and 55 is due to their dependence on rejected Claim 52, as well as the alleged indefinite terminology in Claim 55. Based on the foregoing and the amendment to Claim 55, it is believed that Claims 52, 54, and 55 are in condition for allowance.

For the reasons set forth above, it is respectfully requested that all of the rejections and objections set forth in the Office Action be reconsidered and withdrawn. The Applicants respectfully submit that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



T. Daniel Christenbury  
Reg. No. 31,750

TDC/sh  
(215) 656-3381